



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION**

**This Document Relates to:
Rule 23(b)(3) Class Action**

MASTER FILE 05-MD-1720

**DEFENDANTS' RESPONSE IN
OPPOSITION TO
OLD JERICO PLAINTIFFS'
MOTION TO INTERVENE**

Defendants jointly submit this response in opposition to *Old Jericho* Plaintiffs' Motion to Intervene. *See* ECF Nos. 8846, 8854. Defendants have no objection to the *Old Jericho* Plaintiffs' participation in the special master process, where all counsel who represent various groups of gas station retailers and other franchisees will be able to submit claims and continue vigorously representing their clients' interests, as they have already demonstrated in these proceedings. Defendants respectfully submit, however, that formal intervention is unnecessary and premature at this stage, as multiple groups of counsel apparently intend to appear before the special master, who will decide, in the first instance, issues related to membership in the Rule 23(b)(3) class. *See* Parties' Joint Status Report, ECF No. 8819 at 7–10, 27–30.

Dated: July 7, 2023

Respectfully submitted on behalf of Defendants,

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